



## INTERIOR BOARD OF INDIAN APPEALS

Douglas Ward v. Bureau of Indian Affairs

15 IBIA 172 (04/14/1987)



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

DOUGLAS WARD,	:	Order Docketing and Dismissing Appeal
Appellant	:	
	:	
v.	:	Docket No. IBIA 87-33-A
	:	
BUREAU OF INDIAN AFFAIRS	:	
Appellee	:	April 14, 1987

On February 24, 1987, the Board of Indian Appeals (Board) received copies of filings made by Douglas Ward (appellant). The copies appeared to be informational copies of a notice of appeal sent to the Assistant Secretary--Indian Affairs under 25 CFR Part 2. Appellants are required by 25 CFR 2.11(a) to serve an informational copy of notices of appeal under Part 2 on the Board.

On April 6, 1987, the Board received another filing from appellant which indicated his belief that he had an appeal pending before the Board. Apparently, when appellant did not receive what he considered a timely response to a motion for an extension of time filed with the Acting Area Director, Muskogee Area office, Bureau of Indian Affairs (BIA), appellant filed notices of appeal with both the Assistant Secretary and the Board.

The Board's jurisdiction is limited by regulation. Under 43 CFR 4.331 BIA decisions appealable to the Washington, D.C., office of BIA must be so appealed before a further appeal can be taken to the Board. One exception to this rule is set forth in 25 CFR 2.19, under which the Board has authority to review an appeal filed with the Washington office of BIA when that appeal has been ripe for decision in Washington for more than 30 days without a decision being issued. There is no indication in appellant's filings that he has had a ripe appeal pending before the Washington office for more than 30 days.

Another exception appears in 43 CFR 4.330(b), under which cases involving Indian matters may be specially referred to the Board. This appeal has not been referred to the Board.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is dismissed as premature. 1/

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//original signed  
Kathryn A. Lynn  
Administrative Judge

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//original signed  
Anita Vogt  
Acting Chief Administrative Judge

1/ This dismissal does not constitute a Board determination on whether or not it would otherwise have subject matter jurisdiction over the appeal. It appears appellant is seeking review of a decision denying him enrollment in the Cherokee Nation. The Board is prohibited by 43 CFR 4.330(b)(1) from adjudicating tribal enrollment disputes.